

AMENDED IN SENATE JUNE 20, 2005

**SENATE BILL**

**No. 1079**

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**Introduced by Senator Campbell**

February 22, 2005

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~~An act to amend Section 13332.17 of the Government Code, and to amend Section 10290.1 of the Public Contract Code, relating to public contracts. An act to add Section 5080.41 to the Public Resources Code, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1079, as amended, Campbell. ~~Public contracts: delegation of contracting authority: purchase estimates. Crystal Cove State Park: operating agreement.~~

(1) Existing law vests with the Department of Parks and Recreation control of the state park system, and authorizes the department to enter into agreements with an agency of the United States, any city, county, district, or other public agency, or any combination thereof, for the care, maintenance, administration, and control by any party to the agreement for the purposes of the state park system, as provided.

This bill would require the department to enter into an operating agreement with a qualified nonprofit organization for the development, improvement, restoration, care, maintenance, administration, and control of the area designated as the Crystal Cove Historic District. The bill would require that the agreement contain specified provisions, including requiring the nonprofit organization to annually submit to the department a report regarding its operating activities in the park during the prior year. The bill would require the district superintendent for the department, following submittal of that report, to hold a public meeting for discussion of the report and any

*operating policies or procedures. The bill would require that the general plan for the Crystal Cove Historic District, in addition to other prescribed requirements, specifically evaluate and define the manner in which the unit is to be operated. The bill would require the department, whenever it intends to enter into an operating agreement pertaining to the Crystal Cove Historic District, to notify each Member of the Legislature in whose district the unit is located, of that intention.*

*(2) This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law authorizes state agencies, in exercising their delegation of contracting authority from the Department of General Services, to contract for specified items with suppliers who have multiple award schedules with the General Services Agency of the United States, as provided. Existing law also specifies timeframes for purchase estimates and awards submitted to the Department of General Services.~~

~~This bill would make clarifying changes to those provisions.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 5080.41 is added to the Public  
2     Resources Code, to read:

3     5080.41. (a) Notwithstanding any other provision of this  
4     article, the department shall enter into an operating agreement  
5     with a qualified nonprofit organization for the development,  
6     improvement, restoration, care, maintenance, administration,  
7     and control of the area designated as the Crystal Cove Historic  
8     District. The agreement shall include, but not be limited to, the  
9     following:

10    (1) A provision that the district superintendent for the  
11    department shall provide liaison with the department, the  
12    nonprofit organization, and the public.

13    (2) A provision specifying that the nonprofit organization shall  
14    have experience with the issues pertaining to the Crystal Cove  
15    Historic District and have the express mission to restore and  
16    maintain the Crystal Cove Historic District.

1     (3) *A provision specifying that the board of directors of the*  
2 *nonprofit organization shall include a member of the city council*  
3 *of the City of Newport Beach, a member of the city council of*  
4 *Laguna Beach, and a member of the board of supervisors of the*  
5 *County of Orange. The city council of the City of Newport Beach*  
6 *and the city council of the City of Laguna Beach shall each select*  
7 *their representative to serve on the board. The member of the*  
8 *board of supervisors of the County of Orange shall be the*  
9 *supervisor whose district includes the Crystal Cove Historic*  
10 *District.*

11     (4) *A provision that all revenues received from the Crystal*  
12 *Cove Historic District shall be expended only for the*  
13 *development, improvement, restoration, preservation, care,*  
14 *maintenance, operation, administration, and control of the unit.*

15     (5) *A provision specifying that the nonprofit organization shall*  
16 *annually submit a written report to the department regarding its*  
17 *operating activities during the prior year and shall make copies*  
18 *of the report available to the public upon request. The report*  
19 *shall include a full accounting of all revenues and expenditures*  
20 *for the Crystal Cove Historic District.*

21     (b) *The district superintendent for the department shall,*  
22 *following submittal of the annual report under subdivision (a),*  
23 *hold a public meeting for discussion of the report and any*  
24 *operating policies or procedures. Any recommendations*  
25 *resulting from the annual public meeting shall be submitted by*  
26 *the district superintendent to the director for review and*  
27 *approval.*

28     (c) *The general plan for the Crystal Cove Historic District*  
29 *shall, in addition to the requirements set forth in Section 5002.2,*  
30 *specifically evaluate and define the manner in which the unit is*  
31 *proposed to be operated. The general plan shall be reviewed by*  
32 *the State Park and Recreation Commission for a determination*  
33 *that the unit will be operated in a manner that generally meets*  
34 *the standards followed by the department in its operation of*  
35 *similar units, that enhances the general public use and enjoyment*  
36 *of, and recreational and educational experiences at, the unit, and*  
37 *that provides for the satisfactory management of park resources.*

38     (d) *Whenever the department intends to enter into an*  
39 *operating agreement with respect to the Crystal Cove Historic*

1 *District, the department shall notify each Member of the*  
2 *Legislature in whose district the unit is located, of that intention.*

3 *SEC. 2. This act is an urgency statute necessary for the*  
4 *immediate preservation of the public peace, health, or safety*  
5 *within the meaning of Article IV of the Constitution and shall go*  
6 *into immediate effect. The facts constituting the necessity are:*

7 *In order to make statutory changes at the earliest possible time*  
8 *to enable the Department of Parks and Recreation to enter into*  
9 *an operating agreement for the operation and management of the*  
10 *Crystal Cove Historic District, it is necessary that this act take*  
11 *effect immediately.*

12 ~~SECTION 1. Section 13332.17 of the Government Code is~~  
13 ~~amended to read:~~

14 ~~13332.17. Purchase estimates for goods or equipment~~  
15 ~~submitted to the Department of General Services pursuant to~~  
16 ~~Section 10311 of the Public Contract Code received during the~~  
17 ~~last 90 days of a fiscal year and for which a purchase order award~~  
18 ~~is pending at the end of that fiscal year, may be awarded during~~  
19 ~~the initial 90 days of the subsequent fiscal year. The 90-day~~  
20 ~~period shall be extended commensurate with the time required to~~  
21 ~~resolve any protest filed pursuant to Section 10306 of the Public~~  
22 ~~Contract Code.~~

23 ~~Notwithstanding any other provision of law and regardless of~~  
24 ~~the date of receipt of the goods or equipment, the date of~~  
25 ~~expenditure and encumbrance for a purchase authorized by this~~  
26 ~~section shall be construed to be the last day of the fiscal year in~~  
27 ~~which the purchase estimate is received by the department. A~~  
28 ~~purchase order awarded in accordance with the provisions of this~~  
29 ~~section shall cite this section and the actual date of award.~~

30 ~~SEC. 2. Section 10290.1 of the Public Contract Code is~~  
31 ~~amended to read:~~

32 ~~10290.1. (a) Notwithstanding any other provision of law, in~~  
33 ~~exercising their explicit delegation of contracting authority from~~  
34 ~~the department, state agencies may contract for goods,~~  
35 ~~information technology, or services with suppliers who have~~  
36 ~~multiple award schedules with the General Services~~  
37 ~~Administration of the United States if the supplier is willing to~~  
38 ~~extend those terms, conditions, and prices. The department may~~  
39 ~~also develop multiple award schedules or agreements for use by~~  
40 ~~state agencies in the same manner.~~

1     ~~(b) The department shall determine the delegation contracting~~  
2     ~~authority for agencies wishing to contract with suppliers who~~  
3     ~~have multiple award schedules. The department shall seek input~~  
4     ~~from both customer departments and agencies and private sector~~  
5     ~~suppliers.~~

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